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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/771,651	01/30/2001	Otto Watzenberger	51146	8169
75	•			
Messrs. Keil & Weinkauf			EXAMINER	
1101 Connectice Washington, DC			MANOHARAN, VIRGINIA	
•			ART UNIT	PAPER NUMBER
			1764	3.
			DATE MAILED: 12/06/2001	

Please find below and/or attached an Office communication concerning this application or proceeding.

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 09/771,651

Art Unit: 1764

DETAILED ACTION

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g., typographical, grammar, idiomatic, syntax and etc

Applicants' cooperations are requested in correcting any error of which applicants may become aware in the specification.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Regarding claim 1, the phrase "in particular" renders the claim indefinite because it fails to ascertain the claimed invention with precision. The same holds true with the claimed "preferably" in claims 4 and 5.
- b. It is unclear what constitute the bottom product being obtained recited e.g., in claim 2.
- c. Claim 6 recites the limitation "the liquid phase of the rectification column" in lines2-3. There is insufficient antecedent basis for this limitation in the claim.
 - d. The term "being chosen" should be deleted.
- e. The claims should be recited in active, positive, manipulative steps to avoid ambiguity in the claims.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Watzenberger et al. '107.

The process for working up hydroxyl amine - containing solutions, wherein the hydroxylamine is stripped from the hydroxylamine-containing solution with steam as broadly claimed in claim 1 is deemed to be anticipated or rendered obvious by Watzenberger et al. See e.g., col. 6, lines 43-53. See further Figs. 1-2 and the claims at cols. 10-12 for instant claims 2-6.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sharifian et al., discloses a process of making an ultrapure hydroxylamine compound solutions

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (703) 308-3844. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marian Knode, can be reached on (703) 308-4311. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

V. Manoharan/dh

December 4, 2001

PRIMARY EXAVENSOR
ART UNIT 128 764